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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DARREN GILBERT,
Plaintiff,

vs.

CHEVRON U.S.A., INC., et al.,
Defendants.

No. 1:22-cv-00438-AWI-SKO

**PLAINTIFF'S REQUEST FOR
CONTINUANCE OF MANDATORY
SCHEDULING CONFERENCE; ORDER**

(Doc. 10)

WHEREAS, a Mandatory Scheduling Conference in this matter is scheduled for August 2, 2022 at 9:45 a.m. (Dkt. 3);

WHEREAS, Plaintiff Darren Gilbert ("Plaintiff") and Defendants Chevron U.S.A., Inc., Chevron Stations Inc., and First Riverbank L.P. (collectively "Defendants," and together with Plaintiff, "the Parties"), have actively been engaging in settlement discussions, and Defendants have provided to Plaintiff a Certified Access Specialist report for the subject property for the purposes of settlement;

WHEREAS, Plaintiff has provided Defendants a comprehensive settlement demand, consisting of injunctive relief based on the report provided by Defendants, in addition to statutory damages, attorney's fees, and costs;

PLAINTIFF'S REQUEST TO CONTINUE MANDATORY SCHEDULING CONFERENCE;
ORDER

1 **WHEREAS**, counsel for Defendants has advised that she is presently out of the country
2 and unavailable to address Defendants' response to Plaintiff's settlement demand;

3 **WHEREAS**, Plaintiff has duly noticed an inspection of the subject property which is
4 scheduled to take place on August 25, 2022 at 1:00 p.m.;

5 **WHEREAS**, it is Plaintiff's understanding that the Parties intend to continue good faith
6 settlement efforts prior to Plaintiff's inspection, and if unable to reach settlement based on
7 Defendants' report, will resume such discussions after Plaintiff has conducted his inspection
8 and received his Certified Access Specialist consultant's written findings;

9 **WHEREAS**, Plaintiff wishes to conserve the Court's resources and counsel's time that
10 would be spent preparing for and attending the Mandatory Scheduling Conference, as this will
11 also help to facilitate settlement of the matter;

12 **WHEREAS**, Plaintiff provided a stipulation to continue the Mandatory Scheduling
13 Conference to counsel for Defendants on July 21, 2022, but has not received authorization to
14 file it with defense counsel's signature despite follow-up efforts, likely due to defense counsel
15 being out of the country;

16 **NOW, THEREFORE**, Plaintiff hereby requests that the Mandatory Scheduling
17 Conference be continued to a date on or after October 25, 2022, at the Court's convenience.

18
19 **IT IS SO STIPULATED.**

20
21 Dated: July 26, 2022

MOORE LAW FIRM, P.C.

22
23 /s/ Tanya E. Moore

24 Tanya E. Moore
25 Attorney for Plaintiff,
26 Darren Gilbert
27
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ORDER

Having considered Plaintiff's foregoing request (Doc. 10) and good cause appearing,

IT IS HEREBY ORDERED that the Mandatory Scheduling Conference currently set for August 2, 2022, is CONTINUED to November 8, 2022, at 10:30 A.M. before Magistrate Judge Sheila K. Oberto. The parties are to file their Joint Scheduling Report no later than seven days prior to the Mandatory Scheduling Conference.

IT IS SO ORDERED.

Dated: July 27, 2022

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE